

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of October 23, 2014

Members Present

Jeffrey Staub
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe

Docket 1365

Applicant: Bruce and Susan Senft
Address: 1111 Old Pond Road
Harrisburg, PA 17112

Property Owner: Bruce and Susan Senft
Property Address: 1111 Old Pond Road
Harrisburg, PA 17112

Section 307.A

The required side yard setback of 25 feet is required in the R-1, Lower-Density Residential District. It required a combined side yard setback of 25 feet and not less than ten feet.

The applicant proposes to extend an attached garage that would encroach into the required side yard of ten feet, leaving a side yard of 4.6 feet.

Grounds: Section 307.A

Fees Paid: September 24, 2014

Property Posted: October 14, 2014

Advertisement: Appeared in The Paxton Herald on October 8, 2014 and October 15, 2014.

The hearing began at 7:02 p.m.

Mr. Staub swore in Amanda Zerbe, Planning and Zoning Officer for Lower Paxton Township.

Mr. Staub questioned if the appropriate fees were paid for this application and was the property posted. Ms. Zerbe advised that the appropriate fees were paid on September 24, 2014, and the hearing was advertised in The Paxton Herald on October 8, 2014 and October 15, 2014. She noted that the hearing notices were posted on October 14, 2014.

Mr. Staub questioned what codified ordinances pertain to this application. Ms. Zerbe noted that it is Section 307.A. which requires a combined side yard setback of 25 feet, not less than 10 feet.

Mr. Staub noted that it is necessary for the Board to add as part of your application any site plans or exhibits. He questioned if Mr. Senft had any objections to doing that. Mr. Senft answered no.

Mr. Staub swore in Bruce Senft, 1111 Old Pond Road, Harrisburg, PA, 17112, the applicant for the hearing.

Mr. Staub requested Mr. Senft to explain why his variance should be granted.

Mr. Senft noted that the request is pretty straight forward as he would like to extend his existing garage to accommodate two cars. He noted that the current structure on the property sits approximately 11 feet from the property side line and the extension would encompass five feet seven inches which would reduce the side set back to four feet six inches. He noted that there is no other accommodation on the property to provide a structure that would house an additional car or a two car garage given the topography of the site. He noted that the addition would enhance the property and the overall development. He noted in the interest of public welfare he would be getting one additional car out of the very crowded cul-de-sac. He noted that it will not change the dynamics of the lot as they are the existing owners. He noted that he purchased the property 35 years ago and is the only owner on that property. He noted that he has made no other additions or modification to the property, and lastly, he checked with the neighbors for the adjacent properties that would be effected by this change and they have indicated no objection to the extension of the garage.

Mr. Staub noted that the letter that is included in the packet from the neighbor, which side of the home does he lives on, standing on the street looking at your home. Mr. Senft answered to his left. Mr. Staub questioned if he would be the neighbor most directly impacted. Mr. Senft answered that is correct.

Mr. Turner requested Mr. Senft to expand briefly on the topographic issues that prevent him from putting this garage anywhere else on the property. Mr. Senft answered that the rear of the property is a wooded area. He noted if you go between 30 to 40 feet from the rear property line, that is where the wooded area begins and it slopes at a fairly steep 45 degree angle where the wooded area begins. He noted that it buffers his house from the house behind him and it is part of a larger area of woods that extends around the development. He noted that the only place that he knows of that he could put a structure would be the back of the yard which would mean he would have to build it into the wooded area which would mean taking down trees and putting in pylons to support it due to the slope of the property. He noted that it would be extremely expensive to do that. He stated that he is not sure if he put the structure there with the rear setback requirements that there would be enough room to get the car into the garage.

Mr. Turner questioned what the style of the construction is. Mr. Senft answered that he has a bi-level home, aluminum siding so it will be a wood frame with wooden trusses and

aluminum siding placed on the structure. He noted that he plans to completely re-side the house including to match the new portion as well as redoing the roof on the entire house.

Mr. Hansen questioned if the driveway would have to be widened. Mr. Senft answered that he believes that he will not have to do that, at least not dramatically. He noted that he will not have to change the curb cut and will angle the driveway so that it will be extended at the entrance to the garage but not significantly. He noted that was one of the attractive features for this layout in working with the architect.

Mr. Staub questioned how wide the garage will be after the addition is put on. Mr. Senft answered that he is guessing that it will be 15 feet. He noted that the extension will be five feet seven inches and the current garage is a bit larger than that, noting that it would be close to nine or ten feet, it is at least eight feet.

Mr. Staub questioned if he has a contractor. Mr. Senft answered yes. Mr. Staub questioned if what he was showing on the plan would be large enough to park two cars in the garage. Mr. Senft answered that is correct.

Mr. Staub questioned Mr. Senft if he had anything further to add. Mr. Senft answered no.

Mr. Staub questioned if the Board has any additional questions. None were voiced.

Mr. Staub questioned if anyone on the audience wished to be heard on this application. No comment was made.

Mr. Staub noted that the Board has 45 days to render a decision. He questioned if the Board wished to take action this evening on Docket 1365.

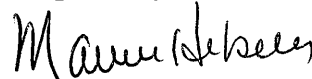
Mr. Hansen made a motion to approve the variance application for Docket 1365. Mr. Fisher seconded the motion. Mr. Staub questioned if there was any further discussion. Ms. Cate noted that she must recuse herself from vote.

Mr. Staub questioned if the Township has a position on this variance. Ms. Zerbe answered no.

Mr. Staub asked Mr. Turner to conduct a roll call vote. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; and Mr. Staub, aye.

The hearing ended at 7:15 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
BRUCE A. SENFT and : DOCKET NO. 1365
SUSAN C. SENFT :

DECISION GRANTING VARIANCE

The applicants seek a variance from side yard setback requirements in connection with a proposed garage addition. A hearing on the application was held on October 23, 2014.

Facts

1. The applicants and owners of the property in question are Bruce A. Senft and Susan C. Senft of 1111 Old Pond Road, Harrisburg, Pennsylvania 17112.
2. The property in question is located on the eastside of Old Pond Road and consists of an 80 feet by 150 feet lot. The parcel is zoned Residential, R-1. The property is improved with a single family home with an attached single gar garage. Existing side yard setback is 11 feet on the north side of the garage.
3. The applicants propose to expand the existing garage by 146 square feet, resulting in a side yard setback of 4 feet 6 inches. This will enable the applicants to park two cars in the garage. The proposed addition would match the proposed new siding for the house and the existing rooflines would be maintained.
4. The applicants have discussed their proposal with the adjoining property owners who had no objection to the plan.
5. The rear of the property is wooded and steeply sloped which prevents its use as a site for additional buildings.

6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicants appeared before the Board to testify either in favor of or against the proposed variance.

Conclusions

1. Article 307.A of the ordinance requires a minimum side yard setback of ten feet and a combined side yard setback of 25 feet. The proposed construction would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of its narrow lot width. This hardship is compounded by the steep grades in the rear of the parcel which restricts the developable area.

4. Granting the variance will not alter the essential character of the neighborhood nor will it impair surrounding property values. Adequate pervious coverage is still provided and the addition is in character with the neighborhood. In addition, it will allow additional off-street parking.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of an addition to the existing garage with a side yard setback of 4 feet 6 inches. Construction of the garage shall be in strict accord with the plans and testimony submitted to the Board.

Date: 12/22/2014

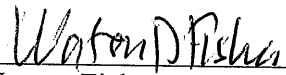
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Jeffrey W. Staub



Allen Hansen



Watson Fisher

Board member Cate abstained from participating in this matter.

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of October 23, 2014

Members Present

Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe

Docket 1366

Applicant: Vanguard Realty Group, Inc.
Owner of Lot 1B
Address: 4090 Continental Drive
Harrisburg, PA, 17112

Property Owner: Vanguard Realty Group, Inc.
Property Address: 4801 Union Deposit Road
Harrisburg, PA 17112

Section 402.A.51.f, Requirement of 20% of the total community land be active or passive common open space: 402A.51.f(1), requirement that the common open space shall at a minimum include landscaped trails that are ADA accessible: Section 319G, requirements of the Residential Retirement District (RRD) for setbacks and a variance to permit the use of townhomes in the RRD.

This is the final phase (Lot 1B) of the development known as Meadowview Village. The parcel is currently shown on an approved subdivision and land development plan as a medical office building with the zoning of RRD. The applicant seeks to construct 12 condominium units on the parcel instead of the approved medical office use. The above listed variances are required for the lot known as 1B of Meadowview Village in order for the developer to move forward with the subdivision and land development plan.

The applicant is seeking relief from the 20% open space requirement; that landscaped trails are ADA accessible; seeing an interpretation or variance from the required RRD setbacks; and requesting to permit the use of townhomes in the RRD.

Grounds: Section 402.A.51.f; f(1); 319G and 319G.

Fees Paid: September 24, 2014

Property Posted: October 14, 2014.

Advertisement: Appeared in The Paxton Herald on October 8, 2014 and October 15, 2014.

The hearing began at 7:16 p.m.

Mr. Staub explained that he had to recuse himself from the hearing as he has a business relationship with the applicant. At this point Mr. Turner conducted the hearing.

Mr. Turner swore in Eric Kessler, 4090 Continental Drive, Harrisburg, PA. Mr. Turner questioned Mr. Kessler what his relationship was to Vanguard Reality. Mr. Kessler answered that he is the president of Vanguard Reality.

Mr. Turner questioned Ms. Zerbe if the appropriate fees have been paid. Ms. Zerbe noted that appropriate fees were paid on September 24, 2014. Mr. Turner questioned if the appropriate notices been posted and advertisements as required by the ordinance. Ms. Zerbe answered that the advertisement appeared in The Paxton Herald on October 8, 2014 and October 15, 2014; and the properties were posted on October 14, 2014.

Mr. Turner questioned what codified ordinances pertain to this application. Ms. Zerbe answered that Section 402.A.51.f, requirement of 20% of the total community land be active or passive common open space: 402A.51.f(1), requirement that the common open space shall at a minimum include landscaped trails that are ADA accessible: Section 319G, additional requirements of the Residential Retirement District (RRD) for setbacks; and Section G, a use variance for a permit the use of townhomes in the RRD.

Mr. Turner requested Ms. Zerbe to explain what the issues are in regards to this variance. Ms. Zerbe answered that the variances that are requested are for the final phase (Lot 1B) of the development known as Meadowview Village. The parcel is currently shown on an approved subdivision and land development plan as a medical office building with the zoning of RRD. The applicant seeks to construct 12 condominium units on the parcel instead of the approved medical office use. The above listed variances are required for the lot known as IB of Meadowview Village in order for the developer to move forward with the subdivision and land development plan.

Mr. Turner requested Mr. Kessler to explain what he intends to do and why the variance should be granted.

Mr. Kessler questioned if the Board members had a copy of the land development plan in front of them. Mr. Turner noted that all Board members have a copy of the site plan. He questioned if it is Site Plan B Vanguard Reality Group dated 9/29/14. Mr. Kessler noted that he

also submitted an overview of the entire development. Ms. Zerbe noted that she did not get that as part of the plan packet.

Mr. Kessler explained that this development was started over a decade ago and the RRD was an overlay to R-1 at the time. He noted that Phases I, II, and III were completed with the last lot, known as Phase IV, was approved for two medical office buildings. He noted that nothing was done on site for the past four years due to the economy. He explained that the work on the remaining condominiums are almost completed, and his hardship is in regards to the new Comprehensive Plan that was adopted. He explained that the ground was rezoned from R-1 to Institutional Zoning and when that happened, some of the overlay district language was not carried over and since this ordinance is not used that much no one picked it up.

Mr. Kessler noted that he had a workshop meeting with his engineers and Mr. Wolfe who discussed how to correct this and the best avenue take. He noted when the development was first put together, there was no open space requirement at all. He noted that the last phase, due to the new Comprehensive Plan that was adopted, now picks up a 20% requirement. He noted that the entire community is owned by one entity, a condominium. He noted that the ground that he owns will go into the condominium so the entire community will be on one deed owned by the Meadowview Village Homeowners Association

Mr. Kessler explained that currently there is 17.5% open space and other open space areas of 6.2% that may or may not fall in the current requirements which would give him about 24% for active open space. He noted that the new ordinance calls for 20% open space requirement, but part of the percentage that meet that are in a gray area under the new ordinance. He suggested that the easiest way to address that is to request a variance from the 20% open space as his hardship is that this is the last 1 $\frac{3}{4}$ acre of the entire planned community, that had the ordinance was changed and he was caught in the middle of it.

Mr. Kessler noted that the second variance that he is asking for, noting that all four are the result of the new ordinance and the Comprehensive Plan is that not all the language was carried for the overlay district from R-1 to IN. He requested to be able to put townhomes in this zoning district. He noted that townhomes were always in this zoning district but when they did the new Comprehensive Plan they omitted the word townhome. He noted that he spoke with Mr. Stine and he was going to do a text amendment but he explained that he was caught in the middle of this and the easiest way for him to fix his situation was to ask for a variance.

Mr. Kessler noted that he is seeking help with the walking trails. He explained the issue is not putting in walking trails with the last 12 condominiums but technically a walking trail would be connecting the two ends of the existing trail going down Eric Drive, which is just off the existing property line. He noted that they will be connected but it is off his property.

Mr. Kessler approached the Board to show the Board members on the map what he was talking about in regards to the walking trails. He noted that Lot 1B which is located along Union Deposit Road shows the current plan with a trail coming and stopping at the edge of his property. He noted that the other trail comes and stop at another location at his property so he would be

connecting these two but the plan property line ends at one place and the connection is going to be at a different location. Mr. Turner noted that the connection is on the other side. Mr. Kessler noted that the connection is off Lot 1B property line on the other side of Eric Drive. He noted that his hardship is that he wants to follow what he is supposed to do but technically he can't do it on this property.

Mr. Turner questioned what the style of the other houses are that are already built. Mr. Kessler answered that his will be exactly the same style, they are all condominiums, one story stick built, typically two bedrooms with a one or two car garage. He noted that he uses the word townhome but the other variance defines the units as apartments and doesn't define a townhome so when they did the overlay district they inadvertently omitted the word townhomes. He noted that he is going to finish the development, he doesn't want to change anything; he wants to finish what is. He noted that it is less of a detriment for what he wants to do versus the current approved plan to build two medical office buildings. He noted that although it may have been more profitable at the time but it is not the better thing to do for the community. He noted that he received a call from Dick Stottlemeyer, who is the president of the Meadowview Homeowner's Association, who told him that they do support what he wants to do as they would rather have the condominiums. He noted that the Associations would derived more revenues so it benefits everyone as a whole.

Mr. Hansen questioned how you decided on the number of units that you want to build. Mr. Kessler answered that he did not come up with a number to start with, rather he plan for what would fit into the area staying with the same character that was preexisting.

Ms. Cate questioned if the exteriors will be the same. Mr. Kessler answered yes and they will also be operated and owned by the same Homeowner's Association. He noted that the issue with the 20% and why he needs a waiver is that the last one is on his own, and he couldn't get 20% as it is all common ground since they are condominiums. He noted when the ordinance was written when they redid the Comprehensive Plan, no one thought about how you would handle a condominium association. He noted if you did it from the ground up, he could handle it. He noted that it is the end of the existing development that had everything in place, a nice lush grassy area that overlook the gazebos and the common area that people will come to. He noted that he got caught in the tail end of finishing something existing and the new ordinance that overlooks it. He suggested that Mr. Stine will be doing a text amendment. He noted that he inquired of Mr. Wolfe what his recommendation was for the best way to handle this and his narrative is the way that he suggested.

Mr. Turner noted that he would identify the sketch as Applicant's Exhibit #1, which is a color version of the sketch plan of the entire development.

Mr. Kessler noted that lastly there is some confusion for the townhome setback lines. He noted that the confusion comes from the fact that the Industrial District does not permit townhomes but the overlay district does but they don't define townhomes, they only define condominiums as apartments. He noted that it is extraordinarily confusing. He suggested that the easiest way to do this is to grant a variance so he can finish what was started.

Mr. Turner questioned what setbacks you are proposing, as he was reading the plan it is 20 feet from Union Deposit Road. Mr. Kessler answered that it is 20 feet or greater but the problem is that it is not identified in the ordinance. He noted he is asking because there is nothing to grasp on to. Mr. Turner questioned if Mr. Kessler was proposing a minimum setback of 20 feet from Union Deposit Road and a minimum setback of 23 feet from the western side of the plan. Mr. Kessler answered that is correct. Mr. Turner noted that the 20 feet is only for the corners for two of the units. Mr. Kessler answered that is correct. He noted that most of the setbacks are larger than those minimums.

Mr. Turner questioned Mr. Kessler if he had any additional testimony. Mr. Kessler noted in closing he wanted to stress that what he is requesting to do is exactly what is existing; keeping the continuity of the neighborhood. He noted that it allows him not to build the two medical office buildings which he really doesn't care to do there. He noted that the current property has 100 plus senior living condominiums now. He noted by adding 12 more units it assists the association as they pay a monthly fee and it will generate more revenue for the common area maintenance. He noted that he would keep the essential character of the neighborhood.

Ms. Cate questioned if Mr. Kessler mentioned this to any of the other owners of the other condominiums. Mr. Kessler answered that he spoke to Dick Stottlemeyer, who is the president of the association, and they are in favor of it. He noted they stated if he wanted them to, they would come to the meeting, but he did not feel it was necessary. He explained that he has a land development plan scheduled for the Planning Commission meeting. He noted that he did not know how to handle these issues so he brought them before the Zoning Hearing Board.

Mr. Turner questioned if the Township has an opinion on this variance request. Ms. Zerbe answered that the text amendment that Mr. Kessler talked about, that the variance would be discussed in lieu of doing the text amendments.

Mr. Turner questioned if there would be any similar properties affected in the same manner as this property. Ms. Zerbe answered no.

Mr. Turner questioned if anyone in the audience wished to be heard on this application for variance.

Mr. Turner swore in Arlene Stottlemeyer, 96 Eric Drive, Meadowview Village. Mr. Turner questioned if she lives in one of the existing units in this development. Mrs. Stottlemeyer answered yes.

Ms. Stottlemeyer noted that she has spoken to Mr. Kessler in the past and Mr. Kessler discussed a walking trail but it has been removed from the original plan as there will be no walking trail. She noted that Mr. Kessler is talking about connecting to a walking trail and she is confused about that. Mr. Kessler answered that the Home Owner's Association (HOA) has been in discussion with staff, either Ms. Zerbe or Mr. Wolfe and if it is decided that you don't want the walking trail, then he will abide by it, but from where he is coming from, thus far the Township is requiring him to put one in.

Ms. Stottlemeyer stated that the HOA is under the impression that Cornerstone the Developer... Mr. Kessler noted that they would be doing the walking trail on the HOA end, but it has to be put in unless the Township says it doesn't have to be. Ms. Stottlemeyer stated that she is under the impression that it has been stated that it won't be built. Mr. Kessler noted that it doesn't make him unhappy but he will follow suit whatever is decided, but for the little piece that he owns in the front he has to abide by what the ordinance says. He noted if the HOA and Township decide not to put anything else in, he will abide by it. Ms. Stottlemeyer noted that she is under the impression that the walking trail has been done away with because we need to put a retaining wall in and they are going to use the money that was put back for the walking path toward that retaining wall at the one end. Mr. Kessler noted that he will abide by whatever direction the Township directs him. He noted that he was not aware of the change in the walking trail part of the plan.

Ms. Stottlemeyer questioned if Mr. Kessler is putting in townhomes, will they have basements or not. Mr. Kessler answered that it might be a little bit of both as he is not really sure, as it depends on what the people are asking for.

Ms. Stottlemeyer questioned if it will be part of the retirement 55 and over community. Mr. Kessler answered yes. He noted that he has met with PMI to bring them up to date and their response is that they would like to have more units as it would be additional monthly revenue for the HOA.

Ms. Stottlemeyer questioned Mr. Kessler if he would be putting overflow parking in that area. Mr. Kessler answered yes.

Ms. Stottlemeyer noted for Union Deposit Road, you have a setback of 20 feet. Mr. Kessler noted give or take he is not really sure. Ms. Stottlemeyer questioned if there would be trees or bushes. Mr. Kessler answered that there would be screening. He noted that he will not block the view. Ms. Stottlemeyer questioned, on Eric Drive, will there be homes built close to the street. Mr. Kessler answered no, there will be a good bit of grass.

Mr. Turner questioned if Ms. Stottlemeyer would like to see a copy of the plan. Ms. Stottlemeyer answered that she has a copy of the plan. She noted what threw her off is when Mr. Kessler mentioned the walking trail that we are under the impression has been deleted as we talked to Mr. Wolfe about it and that there would be no walking trail.

Mr. Turner questioned from Ms. Stottlemeyer's standpoint, you do not want the walking trail. Ms. Stottlemeyer answered that 99% of the people do not want a walking trail because the way it was set up originally, the walking trail would be right up against some of the patio's where people live. She noted that it would be running to the right of her house on Eric Drive, between Eric Drive and Leonard Drive, the walking path would be built between that area, noting that it wouldn't bother her but a lot of people don't want people looking in their dining room windows.

Mr. Kessler noted from his experience, when people walk, they walk in the street and they are private streets, however, for tonight he will ask for the variance and during the land development plan, if they direct him to take them out, he will eliminate it. Mrs. Stottlemeyer answered that it sounds fair enough. She noted that it threw her when he mentioned the walking trail situation, knowing that it has gone away.

Mr. Hansen requested Mr. Kessler to show him on the plan where the overflow parking will be. Mr. Kessler went to the podium and pointed to him on the map where the overflow parking was located and explained that he added many units with double driveways as well. He noted that most people moving into this development only have one car.

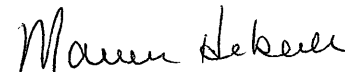
Mr. Turner questioned if anyone in the audience had anything to say on this application. No comment was heard.

Mr. Turner noted that the Board has 45 days to render a decision. He questioned if the Board wished to take action on the variance.

Mrs. Cate made a motion to approve a variance for Docket 1366. Mr. Fisher second the motion. Mr. Turner conducted a roll call vote as follows: Mr. Fisher, aye; Mr. Hansen, nay; Mrs. Cate, aye.

The hearing ended at 7:45 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
 : DAUPHIN COUNTY, PENNSYLVANIA
 :
VANGUARD REALTY : DOCKET NO. 1366
GROUP, INC. :
 :

DECISION GRANTING VARIANCE

The applicant seeks variances in connection with a subdivision plan. A hearing on the application was held on October 23, 2014.

Facts

1. The applicant and owner of the property in question is Vanguard Realty Group, Inc. of 4090 Continental Drive, Harrisburg, Pennsylvania. The applicant was represented at the hearing by Eric Kessler, President.
2. The property in question is located on the south side of Union Deposit Road and consists of a 1.7431 acre parcel which is part of a larger development known as Meadowview Village. The parcel is the final phase of the project and was previously proposed and approved for a medical office building. The parcel is zoned Institutional-Residential/Retirement.
3. The applicant proposes to construct 12 condominium units (townhouses) on the site in lieu of the previously approved medical office building.
4. The parcel was previously developed as an overlay district in the R-1 residential zoning district. Subsequent changes to the ordinance did not carry over that classification, resulting in a change in the requirements. The revised zoning district does not include townhomes as a permitted use, although the remainder of the project is developed as such.

5. The existing development has 17.5% open space and the addition of the new phase will not significantly alter that number.

6. The applicant proposes to erect a walking trail on the south side of the entrance drive to the new phase so as to connect with an existing trail. This would not be within the boundaries of the new phase, but would be within the overall development.

7. Notice of the hearing was posted and advertisement made as required by the ordinance.

8. No one other than the applicant appeared before the Board to testify either in favor of or against the proposed variance.

Conclusions

1. Section 402.A.51.f of the ordinance requires a minimum of 20% of community lands be open space. The same section requires that accessible trails be included within the open space. Section 319.G of the ordinance cites permitted uses in the Residential Retirement District and townhouses are not so listed. The proposed plan would violate these sections of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship not created by the owner consisting of the existing pattern of development which resulted in an undeveloped orphan parcel which does not readily fit into the current zoning regulations.

4. Granting the variance will not alter the essential character of the neighborhood. Instead, it will conform to its character which is defined by the existing development. The proposed townhomes conform exactly to the existing pattern of development and will have no adverse impact on the public welfare. The proposed walking path makes more sense than an isolated path on the small parcel, so long as it is acceptable to the homeowner association.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variances requested should be and are hereby granted allowing the development of 12 townhouses in strict conformity with the plans and testimony submitted to the Board and subject to the applicant's compliance with all other provisions of the subdivision process. Setbacks shall be established with those previously applied to the balance of the development.

Date: 12/22/2014

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Sara Jane Cate
Sara Jane Cate

Allen A. Hansen
Allen Hansen

Watson Fisher
Watson Fisher

Board member Staub abstained from participating.

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of October 23, 2014

Members Present

Jeffrey Staub
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe

Docket 1367

Applicant: Mohammed Riaz Jeena
Address: 125 Suffolk Road
Harrisburg, PA 17112

Property Owner: Mohammed Riaz Jeena
Property Address: 125 Suffolk Road
Harrisburg, PA 17112

Section 307.A

The required side yard setback of 25 feet is required in the R-1, Lower-Density Residential District. It required a combined side yard setback of 25 feet, not less than ten feet.

The applicant proposes to extend an attached garage that would encroach into the required side yard of ten feet, leaving a side yard of six feet.

Grounds: Section 307.A

Fees Paid: September 29, 2014

Property Posted: October 14, 2014

Advertisement: Appeared in The Paxton Herald on October 8, 2014 and October 15, 2014.

The hearing began at 7:45 p.m.

Mr. Staub questioned if the appropriate fees were paid for this application and was the property posted. Ms. Zerbe advised that the appropriate fees were paid on September 29, 2014, and the hearing was advertised in The Paxton Herald on October 8, 2014 and October 15, 2014. She noted that the hearing notices were posted on October 14, 2014.

Mr. Staub questioned what codified ordinances pertain to this application. Ms. Zerbe noted that it is Section 307.A. which requires a combined side yard setback of 25 feet and not less than 10 feet.

Mr. Staub noted that it is necessary for the Board to add as part of your application any site plans or exhibits. He questioned if Mr. Jeena had any objections to doing that. Mr. Jeena answered no.

Mr. Staub swore in Mohammed Riaz Jeena, 125 Suffolk Road, Harrisburg, PA, 17112, the applicant for the hearing.

Mr. Staub noted that Amanda Zerbe, Planning and Zoning Officer for Lower Paxton Township was previously sworn in.

Mr. Staub requested Mr. Jeena to explain why his variance should be granted.

Mr. Jeena noted that he needs an additional garage for one of his vehicles. He noted that he looked all around his property to find a better location to put the garage, noting that the space that he has at the back of his home cannot be used. He noted that 20 feet back from the house, the property goes down into the creek and it is protected and that is why the sewer ran down the road as opposed from the pipes that were originally going down next to the creek. He noted that he would not want to effect the creek either as he likes the aesthetic view that he has at the back of his house. He noted that he looked to put a garage on the west side of his home but all his utilities come in at that point and it would not be worthwhile to redirect all the utilities including the sewer line that now travels from the front end to the street. He noted that prior to that the sewer used to go to the back end of his house but that has been changed.

Mr. Jeena noted that he would like to erect a 24 foot by 14 foot garage to the west side of the house that would leave his six feet of space within his buffer zone noting that he would be using four feet of the ten foot requirement. He noted that the height of the garage would be 22 feet at the peak and it would have a 15 foot high ceiling in the inside for storage as well. He noted that he is trying to use it as best as he can with the overhead storage. He noted that he currently has a temporary garage that he will put up in the winter time for the additional car that he has. He noted that once winter is done he takes down the temporary garage. He noted that it is not the prettiest site but it does keep his car clean. He noted that he would prefer to have a fully built structure that would match his house. He noted that he will be using the exact color siding to match the house and have an eight foot garage door in the front with no windows on the side. He noted, aesthetically, looking at the side of the house it will still be the same as it was before. He noted that he does not have any windows on that side of the house now.

Ms. Cate questioned if the roof will be the same height as the rest of the house. Mr. Jeena answered that it will be lower than the house, at the peak about a four foot drop.

Mr. Staub noted that the temporary structure that you use in the winter, you won't be using that after you build the addition to the garage, if you are granted the variance. Mr. Jeena answered yes, it will be put out front for someone else to take.

Mr. Staub questioned Ms. Zerbe about the house on the corner, the rear of the house would appeared to the side yard of the applicant's home. Ms. Zerbe answered that she believes that to be correct.

Mr. Staub questioned Mr. Jeena if he spoke with his neighbor. Mr. Jeena answered that he did speak to his neighbors and they all seem in favor especially his neighbor next to him. She noted that she looked at him and suggested that he buy another house if he was going to spend that much money in putting in a garage but he explained the situation and she was fine with it. Mr. Staub questioned if that person objected to the change. Mr. Jeena answered not at all.

Ms. Cate questioned if Mr. Jeena spoke to any other neighbors. Mr. Jeena answered that he spoke to the one who is directly opposite the one next door as they look at my house and they did not seem to have a problem. He noted that two others on Suffolk Road don't seem to have an issue. He noted that one wanted to come to the hearing. He noted that four houses were bought by Triple Crown Corporation and we all got to know each other well and we all take care of each other.

Mr. Staub questioned if Mr. Jeena had anything further to add. Mr. Jeena answered if he has people over at his house, the driveway is full and he tends to park up the line from the intersection of Carolyn Street coming down, eliminating the way people can turn in. He noted that it will alleviate that as some people park on his grass, and in the driveway.

Mr. Staub questioned if the Board has any additional questions. None were voiced.

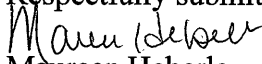
Mr. Staub questioned Ms. Zerbe if the Township had any position on this application. Ms. Zerbe answered no.

Mr. Staub questioned if anyone on the audience wished to be heard on this application. No comment was made.

Mr. Staub noted that the Board has 45 days to render a decision. He questioned if the Board wished to take action this evening on Docket 1367.

Ms. Cate made a motion to approve the variance application for Docket 1367. Mr. Hansen seconded the motion. Mr. Staub questioned if there was any further discussion. Noting no response he requested Mr. Turner to conduct a roll call vote. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mrs. Cate, aye; and Mr. Staub, aye.

The hearing ended at 7:54 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
MOHAMMED RIAZ JENNA : DOCKET NO. 1367

DECISION GRANTING VARIANCE

The applicant seeks a variance from minimum side yard setback requirements. A hearing on the application was held on October 23, 2014.

Facts

1. The applicant and owner of the property in question is Mohammed Riaz Jenna of 125 Suffolk Road, Harrisburg, Pennsylvania 17112.
2. The property in question is located on the north side of Suffolk Road and consists of a roughly rectangular lot which is approximately 102 feet wide. The parcel is zoned R-1, Low Density Residential.
3. The parcel is improved with a single family dwelling located in the front center of the lot. The existing dwelling has side yard setbacks of 36 feet to the east and 20 feet to the west. The rear of the property slopes down to a creek. Utility easements exist on the east side of the property.
4. The applicant proposes to erect an attached garage on the west side of the existing dwelling. This garage would be 14 feet wide by 24 feet deep. This would result in a side yard setback of 6 feet. The garage would be constructed of similar materials to the existing house.
5. The applicant has discussed his proposal with the neighboring property owners who had no objection to the proposal.
6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicant appeared before the Board to testify either in favor of or against the proposed variance.

Conclusions

1. Section 307.A of the ordinance requires a minimum rear yard setback of 10 feet and a combined side yard setback of 25 feet. While the combined side yard setback would be met, the proposed construction would violate the minimum 10 feet side setback.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship in that while the lot is deep, the rear of the lot is sloped and subject to a creek, thereby limiting the developable area. In addition, the narrow width of the lot makes further development difficult, and the existing utility easements prevent development on the east side of the property.

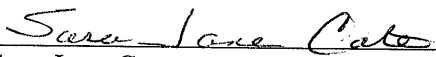
4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The garage intrudes most closely upon the rear yard of the neighboring property which is improved with a shed. Visually, the variance will have little impact and much of the lot remains undeveloped.

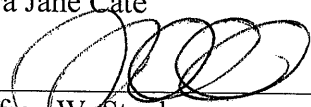
Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of a garage with a side yard setback of 6 feet. In all respects construction shall be in accordance with the plans and testimony submitted to the Board.

Date: 12/22/2014

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD


Sara Jane Cate


Jeffrey W. Staub


Allen Hansen


Watson Fisher

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of October 23, 2014

Members Present

Sara Jane Cate
Alan Hansen
Jeff Staub

Also in Attendance

James Turner
Amanda Zerbe

Docket 1368

Applicant: Patsi and Michael Cibroski
Address: 2061 Fairway Lane
Harrisburg, PA 17112

Property Owner: Patsi and Michael Cibroski
Property Address: 2061 Fairway Lane
Harrisburg, PA 17112

Section 307 A

The rear yard setback is 30 feet in the R-1, Low-Density-Residential District

The applicant seeks a variance to construct a sunroom that would encroach into the required rear yard nineteen feet leaving a rear yard of eleven feet.

Grounds: Section 307 A

Fees Paid: October 3, 2014

Property Posted: October 14, 2014

Advertisement: Appeared in The Paxton Herald on October 8, 2014 and October 15, 2014.

The hearing began at 7:55 p.m.

Mr. Staub questioned if the appropriate fees were paid for this application and was the property posted. Ms. Zerbe advised that the appropriate fees were paid on October 3, 2014, and the hearing was advertised in The Paxton Herald on October 8, 2014 and October 15, 2014. She noted that the hearing notices were posted on October 14, 2014.

Mr. Staub questioned what codified ordinances pertain to this application. Ms. Zerbe noted that it is Section 307.A. which requires a rear yard setback of 30 feet.

Mr. Staub noted that it is necessary for the Board to add as part of your application any site plans or exhibits. He questioned if Mr. Cibroski had any objections to doing that. Mr. Cibroski answered no.

Mr. Staub swore in Michael Cibroski, 2061 Fairway Lane, Harrisburg, PA, 17112.

Ms. Cate questioned if that was located in Fairway Estates. Mr. Cibroski answered yes.

Mr. Staub noted that Ms. Zerbe, Planning and Zoning Officer was previously sworn in.

Mr. Staub requested Mr. Cibroski to explain to the Board why his variance should be granted.

Mr. Cibroski explained that he built the house in 1998 to live in for the rest of he and his wife's live. He noted since that time he added a deck in 1999. He noted that it extends out 42 feet by 16 feet from the kitchen. He noted that they enjoy the deck, but due to the street noise, and the bugs from the creek behind the home, it can be bothersome. He noted that his wife has a hobby in retirement working with stain glass and mosaics. He noted that you need a lot of light to see that. He stated that she is working in the kitchen even though she had a workroom downstairs in the lower basement.

Mr. Cibroski noted that she would be able to use the sunroom for all four seasons. He noted that it would be 90% glass with a southern exposure and it would be located off the kitchen.

Mr. Cibroski noted that he built the house in 1998, and when he first applied for the mortgage, CTX had their address as 4460 Augusta Drive which is the street that the house faces. He noted that he has a three-car garage on the Fairway Lane side and they told him at that time that it would be the front of the house where the driveway is. He noted that he received two tax assessments in that year, one for Augusta Drive and one for Fairway Lane. He explained that he settled on the Fairway Lane address and that is where his mailbox is located.

Mr. Cibroski provided a second picture from Google Map showing the deck that was put on in 1999. He noted that the sunroom is 16 feet by 16 feet and will not go an inch further than the present deck that is on the site. He noted that the remaining portion of the other deck would stay, leaving 4 feet from the setback. He noted that his closet neighbor is Dane Merryman, and they are pretty much the only ones who would see it. He noted that Mr. Merryman has no problem with the sunroom addition and would have attended the meeting; however, he is out of town at a Chief of Police Convention.

Mr. Staub pointed to a location and asked if that was where his neighbor lived. Mr. Cibroski answered yes, that is where Dane Merryman lives. He noted that it is 60 feet to his garage.

Mr. Cibroski showed a view of his house from the driveway at Fairway Lane. He noted that the backside of the house is surrounded with trees and three large pine trees in the front so you can hardly see it. He showed an aerial view of his home as well. He noted that the street across the way has a large in-ground swimming pool that goes right up their line. Ms. Cate questioned what street is that. Mr. Cibroski answered that it is Rathlin Court and Augusta Drive is in front of his house and Fairway Lane runs through the center.

Ms. Cate questioned where Doral Drive is located. Mr. Cibroski answered that it is up a couple of streets. He noted on Fairway Lane, he is three homes in from Goose Valley Road on the right side.

Mr. Cibroski noted that his neighbor who lives next to him on Augusta Drive or across from him, his house abuts the wall, the next neighbor is six to eight feet from the blind, having big rocks that look like they are falling. He noted that all three of the houses face Fairway except for his house that faces Augusta Drive. He noted that his garage faces Fairway Lane

Mr. Cibroski noted that the deck is not an inch further towards his neighbor's yard, which still leaves 30 feet to his neighbor's garage.

Mr. Fisher questioned Mr. Cibroski if he plans to keep the trees. Mr. Cibroski answered yes. He noted that he just trimmed some of the branches. Mr. Fisher questioned if it is on the property line where the trees are located. Mr. Cibroski answered yes.

Mr. Staub noted earlier that Mr. Merryman had no issues with the variance. Mr. Cibroski answered yes and you could verify that with him when he gets back next week.

Mr. Turner noted that he will mark the Google Map as Township Exhibit Number One. He noted that Applicant's Exhibit 1 and the photograph will be marked as Applicant's Exhibit Two which is a photograph of your neighbor's property across the street, and Applicant's Exhibit Three is an aerial photograph of the neighborhood; Applicant's Exhibit Four is a picture of Mr. Cibroski's home; and Applicant's Exhibit Five is a photograph of your neighbor's property.

Mr. Staub questioned if Mr. Cibroski had anything more to add. Mr. Cibroski answered no.

Mr. Staub questioned Ms. Zerbe if the Township had a position on this application. Ms. Zerbe answered no.

Mr. Turner questioned if there is a homeowner's association with architectural requirements. Mr. Cibroski noted when he moved in they discussed it but after Yingst finished the development nothing developed. Mr. Turner questioned if there is anyone you need to submit this to. Mr. Cibroski answered no.

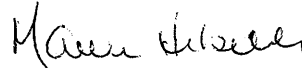
Mr. Staub questioned if anyone in the audience had anything to say on this application. Ms. Patsi Albright stated that she wanted a sunroom. Mr. Staub proceeded to swear in Patsi Albright, 2061 Fairway Lane, Harrisburg, Pennsylvania. Ms. Albright noted that she needs a sunroom and she makes very nice stain glass.

Mr. Staub noted that the Board has 45 days to render a decision. He questioned if the Board wished to take action on the variance.

Mr. Hansen made a motion to approve a variance for Docket 1368. Mr. Fisher second the motion. Mr. Turner conducted a roll call vote as follows: Mr. Fisher, aye; Mr. Hansen, aye; Mrs. Cate, aye; and Mr. Staub, aye.

The hearing ended at 8:07 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
PATSI and MICHAEL CIBROSKI : DOCKET NO. 1368

DECISION GRANTING VARIANCE

The applicants seek a variance from rear yard setback requirements. A hearing on the application was held on October 23, 2014.

Facts

1. The applicants and owners of the property in question are Patsi and Michael Cibroski of 2061 Fairway Lane, Harrisburg, Pennsylvania 17112.
2. The property in question is located on the corner of Augusta Drive and Fairway Lane and consists of a rectangular lot with 123 feet of frontage on Fairway and 157 feet on Augusta. The parcel is zoned Residential, R-1.
3. The property is improved with a single family dwelling known as 2601 Fairway Lane although the house is oriented toward Augusta Drive. The existing home is setback 27 feet from the southern (rear) property line.
4. The applicants propose to erect a 16 feet by 16 feet sunroom on the rear of the existing home. The room would be setback 11 feet from the rear property line and would be built on top of an existing deck. The addition will be 90% glass to take advantage of the southern exposure.
5. The applicants have discussed their proposal with the adjoining property owner who had no objection to the plan.
6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicants appeared before the Board to testify either in favor of or against the proposed variance.

Conclusions

1. Section 307.A of the ordinance requires a minimum rear yard setback of 25 feet. The proposed construction would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of the shallow nature of the lot. This prevents any further development of the property.

4. Granting the variance will not alter the essential character of the neighborhood. A deck already exists on the site and enclosing it will not be a significant new intrusion. Adequate green space is still maintained on the property and the adjoining property owners do not object. A heavy tree cover to the rear of the property further diminishes the impact of the addition.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of an addition with a minimum setback of 11 feet. In all respects construction shall be in accord with the plans and testimony submitted to the Board.

Date: 12/22/2014

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Sara Jane Cate
Sara Jane Cate

Jeffrey W. Staub
Jeffrey W. Staub

Allen A. Hansen
Allen Hansen

Watson Fisher
Watson Fisher